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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,411	12/20/2000	Andrzej Partyka	A. Partyka 20	6314
7590	06/07/2006		EXAMINER	
Andrzej Partyka 370 Finch Lane Bedminster, NJ 07921			TRAN, KHANH C	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/741,411	PARTYKA, ANDRZEJ	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khanh Tran	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. The Amendment filed on 03/30/2006 has been entered. Claims 1-20 are pending in this Office action.

### ***Response to Arguments***

2. Applicant's arguments, see pages 5-7 of Applicants' Remarks, filed on 03/30/2006, with respect to the rejection(s) of claim(s) 18-20 under 35 U.S.C 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Adair, Jr. US Patent 5,659,303, previously cited in Office action mailed on 03/09/2005.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adair, Jr. 5,659,303, previously cited in Office action mailed on 03/09/2005.

Regarding claim 18, Adair, Jr. invention method and apparatus for transmitting data from a monitoring station using frequency hopping and interval hopping as described. In column 3 line 64 via column 4 line 15, as shown in FIG. 1, three monitoring stations 40, 42, 44 are spaced apart in a data collection area. The monitoring stations 40, 42, 44 are data gathering stations including power monitors 34, 36, 38 such as power meters used in typical residences or other facilities to monitor electrical power usage.

Figure 2 illustrates a monitoring station including a transmitter. In column 2 lines 30-65, Adair, Jr. teaches that an apparatus (transmitter) for generating a continuous series of radiowave signals is described. Each signal includes a group of bursts, with *each burst having a respective frequency* as well as a starting time and an ending time with a selected fixed time period between bursts in the group. In column 3 lines 10-20, the apparatus also includes an interval selector connected to retrieve random numbers from the random number table. The interval selector employs an interval pointer to identify random numbers to retrieve from the random number table. The interval selector selects each of the time intervals between groups in response to the retrieved random numbers such that the time intervals vary randomly.

As recited above, the apparatus includes an interval selector for selecting each of the time intervals between groups in response to the retrieved random numbers such that the time intervals vary randomly. In column 2 lines 35-65, the apparatus includes a memory containing a plurality of memory locations each containing a random number. A first counter produces a series of frequency pointers with each frequency pointer

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identifying one of the memory locations. An integrated memory controller is connected to receive the frequency pointers from the first counter and retrieves random numbers from the locations identified by the frequency pointer. In response to the retrieved random numbers, the controller produces data sequences, which are input to a digital control input of a voltage supply. The voltage supply produces supply voltages corresponding to the data sequences retrieved at the digital control input. A voltage-controlled oscillator receives the supply voltages and produces radio frequency signals at frequencies corresponding to the supply voltages. The aforementioned disclosure impliedly teaches a logic for generating a frequency and time pattern.

Adair, Jr. does not explicitly teach the transmitter for modification of at least a portion of known data for transmission using a modifier as set forth in the application claim.

Referring to FIGS. 2 and 5, in column 9 lines 20-35, the controller 72 retrieves data from the random number table 109 according to a pointer system. That is, the controller 72 includes a frequency pointer counter 124 indicating an address in the random number table 109. The controller 72 also includes an interval pointer counter 126 to allow the controller 72 to independently select random numbers to generate random intervals between bursts. Further in column 10 lines 50-60, a voltage controlled oscillator 70 connected to receive said supply voltages controller 72, said voltage controlled oscillator producing said radiowave signals at radio frequencies corresponding to said supply voltages, said radio frequency signals being changed only between bursts, whereby each burst contains all of the data sought to be transmitted,

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and each set of data in each burst being fully transmitted without any radio frequency change. Since the voltage controlled oscillator producing said radiowave signals at radio frequencies corresponding to said supply voltages, one of ordinary skill in the art at the time the invention was made would have been recognized that the voltage controlled oscillator 70 performs equivalent function of the modifier as set forth in the application claim.

Regarding claim 19, as recited in claim 18, in column 9 lines 20-35, the controller 72 retrieves data from the random number table 109 according to a pointer system. That is, the controller 72 includes a frequency pointer counter 124 indicating an address in the random number table 109. The controller 72 also includes an interval pointer counter 126 to allow the controller 72 to independently select random numbers to generate random intervals between bursts. Because the random number table 109 includes pre-determined random numbers, therefore, the frequencies and interval patterns are selected from a predetermined random numbers.

Regarding claim 20, in column 9 lines 30-67, Adair, Jr. teaches that when the monitoring station 40 is initialized, the frequency pointer counter is initialized to a starting address 128 indicated by the last 8 bits of the 24- bit identification number of the monitoring station. This allows the monitoring station 40 to be initialized to a different output frequency  $f_{out}$  than nearby stations. Furthermore, the controller 72 includes a

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frequency pointer counter 124 and a time pointer counter 126 indicating addresses in the random number table 109. When the monitoring station 40 is initialized, the initial pointers are set to the address indicated by the last eight bits of the 24-bit identification number of the monitoring station. In light of the foregoing teachings, the frequencies and time intervals are predetermined based on the identification number of the monitoring station.

***Allowable Subject Matter***

4. Claims 1-7 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, claim is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a method of authentication in a telemetry system, the method comprising "holding, by a receiver, simultaneously for each of said plurality of transmitters, data indicative of an expected frequency and an expected time of at least one future transmission" and "authenticating transmissions based on an expected and actual transmission frequency and time".

5. Claims 8-14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, claim is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a receiver for authenticating telemetry transmission, the receiver comprising "logic for holding simultaneously for each of said plurality of transmitters, data indicative of an expected frequency and an expected time of at least one future transmission" and "authenticating transmissions based on an expected and actual transmission frequency and time".

6. Claims 15-17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 15, claim is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a frequency-hopping telemetry transmitter comprising "said transmitter is for varying encryption, for said transmissions, based, at least in part, on said frequency-time pattern".

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

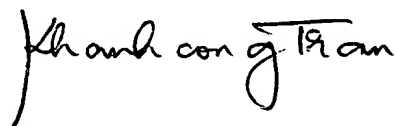


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCT



06/02/2006

Primary Examiner KHANH TRAN